

ITEM NO.329

Court 5 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).217/2021

M/S AAMODA BROADCASTING COMPANY PRIVATE LIMITED & ANR.Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

(WITH IA No.62627/2021-EX-PARTE STAY)

WITH

W.P.(Cr1.) No. 216/2021 (X)

(WITH IA No.62611/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.62612/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Date : 31-05-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
 Ms. Prerna Singh, Adv.
 Mr. Guntur Pramod Kumar, AOR
 Mr. Anmol Kheta, Adv.
 Mr. Shezaan Hashmi, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. P.B Suresh, Adv.
Mr. Vipin Nair, AOR
Mr. Karthik Jayashankar, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Agnish Aditya, Adv.
Mr. Arindam Ghosh, Adv.
Mr. Kutur Parikshit, Adv.
Mr. Anshumaan Bahadur, Adv.

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The writ petitions have been instituted under Article 32 of the Constitution by two Telugu news channels, namely, (i) TV5; and (ii) ABN. They are aggrieved by a First Information Report, being FIR No 12 of 2021, registered on 14 May 2021 under the provisions of Sections 124, 153A, 505 read with Section 120B of the Indian Penal Code 1860. The FIR indicates that it is a “*suo motu* case” based on an enquiry report of the DIG, CID, AP, Mangalagiri, Guntur District dated 13 May 2021. The gravamen of the allegation against the news channels arises from certain programmes which have been broadcast by them. During the programmes, Mr Raghurama Krishnam Raju, Member of Parliament is alleged to have expressed views critical of the State Government and the Chief Minister. Besides Mr Raju, who has been named as the first accused, TV5 and ABN have been named as the second and third accused.

- 2 Mr Shyam Divan and Mr Sidharth Luthra, learned Senior Counsel appearing on behalf of the petitioners, have submitted that the FIR constitutes an attempt to muzzle the electronic media and is an assault on the freedom of speech and expression under Article 19(1)(a) of the Constitution. It has been submitted that, read as they stand, the allegations in the FIR do not establish any offences under the provisions which have been invoked against them. The jurisdiction of this Court under Article 32 has been invoked on the ground that while dealing with the *suo motu* Covid-19 case¹, this Court in its order dated 30 April 2021 has made categorical observations in regard to the need for restraint on the invocation of the coercive arm of the law against persons voicing comments critical to matters of governance which arise in the context of the Covid crisis. The

1 SMW(C) No 3 of 2021

Member of Parliament has been granted bail by the Court.

- 3 Having heard learned counsel, we are of the view that the ambit and parameters of the provisions of Sections 124A, 153A and 505 of the Indian Penal Code 1860 would require interpretation, particularly in the context of the right of the electronic and print media to communicate news, information and the rights, even those that may be critical of the prevailing regime in any part of the nation.
- 4 Issue notice, returnable in six weeks.
- 5 Dasti, in addition, is permitted.
- 6 Liberty to serve the Standing Counsel for the State of Andhra Pradesh.
- 7 Counter affidavit shall be filed within a period of four weeks from the date of service.
- 8 Till the next date of listing, there shall be a stay on the respondents adopting any coercive proceedings in pursuance of FIR No 12 of 2021 dated 14 May 2021 against the two television channels which are the petitioners before the Court, namely, TV5 and ABN, as well as their personnel.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER